

Introduced by Senator Murray

February 18, 2004

An act to amend Sections 33328.5 and 33344.5 of the Health and Safety Code, relating to redevelopment.

LEGISLATIVE COUNSEL'S DIGEST

SB 1382, as introduced, Murray. Redevelopment.

(1) The existing Community Redevelopment Law requires, as to redevelopment plans adopted on or after January 1, 1993, that if a redevelopment agency proposes to use the equalized assessment roll for the year following the equalized assessment roll that it advised county officials it would use, it shall either notify the county officials, taxing agencies, and the State Board of Equalization of the proposed change, or prepare a specified report. Upon receipt of this notice, county officials are required to prepare and deliver to the redevelopment agency such a report.

This bill would delete the requirement that the redevelopment agency prepare a specified report of the above described change. It would also require specified county officials to deliver the report to affected taxing entities.

(2) The Community Redevelopment Law requires a redevelopment agency that includes in its redevelopment plan a provision for the division of taxes, as specified, to prepare a preliminary report, and to submit this report to each affected taxing entity. Existing law specifies the contents of this report.

This bill would require the report to be prepared and sent no later than 90 days before the date set for a public hearing on the approval of a redevelopment plan by the agency. By increasing the duties of specified county officials, this bill would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 33328.5 of the Health and Safety Code
2 is amended to read:

3 33328.5. (a) If a redevelopment agency proposes to use the
4 equalized assessment roll for the year following the equalized
5 assessment roll which the redevelopment agency advised it would
6 use pursuant to Section 33328, the redevelopment agency shall,
7 prior to the adoption of the redevelopment plan using that different
8 equalized assessment roll, ~~either~~ notify the county officials, taxing
9 agencies, and the State Board of Equalization of the change in the
10 equalized assessment roll that it proposes to use for the allocation
11 of taxes pursuant to Section 33670 ~~or prepare a report containing~~
12 ~~the information specified in subdivisions (a), (b), (c), (d), (e), and~~
13 ~~(f) of Section 33328.~~

14 (b) Upon receipt of a notice pursuant to subdivision (a), the
15 county officials charged with the responsibility of allocating taxes
16 under Section 33670 and 33670.5 shall prepare and deliver to the
17 redevelopment agency *and affected taxing entities* a report
18 containing the information specified in subdivisions (a), (b), (c),
19 (d), (e), and (f) of Section 33328. The report shall be prepared and
20 delivered within the time periods specified in Section 33328 for
21 reports prepared pursuant to that section. If a redevelopment
22 agency gives the notice specified in subdivision (a), the
23 redevelopment plan specified in the notice shall not be adopted
24 until the time period for delivery of the report has expired.



(c) At least 14 days prior to the public hearing on the redevelopment plan for which the redevelopment agency proposes to use a different equalized assessment roll, the redevelopment agency shall prepare and deliver to each taxing agency a supplementary report analyzing the effect of the use of the different equalized assessment roll which shall include those subjects required by subdivisions (b), (e), and (n) of Section 33352. In lieu of a supplementary report, a redevelopment agency may include in the report required to be prepared pursuant to Section 33352, the information required to be included in the supplementary report.

(d) A redevelopment agency shall not be required to prepare a subsequent preliminary report specified in Section 33344.5, unless the report prepared pursuant to subdivision (b) states that the total assessed value in the project area is less than the total assessed value in the project area contained in the original report prepared pursuant to Section 33328, in which case a new preliminary report shall be prepared.

(e) The use of a different assessment roll pursuant to this section shall meet the requirements of Section 16 of Article XVI of the California Constitution.

(f) This section shall only apply to redevelopment plans adopted on or after January 1, 1993. The Legislature finds and declares that the enactment of this section shall not be deemed to invalidate or limit the adoption of redevelopment plans pursuant to a different procedure prior to January 1, 1993.

SEC. 2. Section 33344.5 of the Health and Safety Code is amended to read:

33344.5. After receiving the report prepared pursuant to Section 33328, or after the time period for preparation of that report has passed, a redevelopment agency, ~~which~~ *that* includes a provision for the division of taxes pursuant to Section 33670 in the redevelopment plan; shall prepare and send to each affected taxing entity, as defined in Section 33353.2, *no later than 90 days before the date set for a public hearing required pursuant to Section 33348*, a preliminary report which shall contain all of the following:

(a) The reasons for the selection of the project area.

(b) A description of the physical and economic conditions existing in the project area.

1 (c) A description of the project area which is sufficiently
2 detailed for a determination as to whether the project area is
3 predominantly urbanized. The description shall include at least the
4 following information, which shall be based upon the terms
5 described and defined in Section 33320.1:

6 (1) The total number of acres within the project area.

7 (2) The total number of acres that is characterized by the
8 condition described in paragraph (4) of subdivision (a) of Section
9 33031.

10 (3) The total number of acres that are in agricultural use.
11 “Agricultural use” shall have the same meaning as that term is
12 defined in subdivision (b) of Section 51201 of the Government
13 Code.

14 (4) The total number of acres that is an integral part of an area
15 developed for urban uses.

16 (5) The percent of property within the project area that is
17 predominantly urbanized.

18 (6) A map of the project area that identifies the property
19 described in paragraphs (2), (3), and (4), and the property not
20 developed for an urban use.

21 (d) A preliminary assessment of the proposed method of
22 financing the redevelopment of the project area, including an
23 assessment of the economic feasibility of the project and the
24 reasons for including a provision for the division of taxes pursuant
25 to Section 33670 in the redevelopment plan.

26 (e) A description of the specific project or projects then
27 proposed by the agency.

28 (f) A description of how the project or projects to be pursued
29 by the agency in the project area will improve or alleviate the
30 conditions described in subdivision (b).

31 (g) If the project area contains lands that are in agricultural use,
32 the preliminary report shall be sent to the Department of
33 Conservation, the county agricultural commissioner, the county
34 farm bureau, the California Farm Bureau Federation, and
35 agricultural entities and general farm organizations that provide a
36 written request for notice. A separate written request for notice
37 shall be required for each proposed redevelopment plan or
38 amendment that adds territory. A written request for notice
39 applicable to one redevelopment plan or amendment shall not be
40 effective for a subsequent plan or amendment.

1 SEC. 3. Notwithstanding Section 17610 of the Government
2 Code, if the Commission on State Mandates determines that this
3 act contains costs mandated by the state, reimbursement to local
4 agencies and school districts for those costs shall be made pursuant
5 to Part 7 (commencing with Section 17500) of Division 4 of Title
6 2 of the Government Code. If the statewide cost of the claim for
7 reimbursement does not exceed one million dollars (\$1,000,000),
8 reimbursement shall be made from the State Mandates Claims
9 Fund.

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